

Entered -07-23-01 - sb
CL 01L0467 - GWENDOLYN BURNS


CLAIM OF:

BLUE RIDGE MOUNTAIN WATERS
2255 Button Gwinnett Drive
Suite 150
Atlanta, Georgia 30340

01- 12-1415

For vehicular damages alleged to have been sustained as a result of a construction site in the roadway that was left in an open and unsafe condition on June 15, 2001 at 1053 Cascade Avenue, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0467

Date: August 26, 2001

Claimant /Victim BLUE RIDGE MOUNTAIN WATERS
BY: (Atty) (Ins. Co.) _____
Address: 2255 Button Gwinnett Drive, Suite 150, Atlanta, Georgia 30340
Subrogation: _____ Claim for Property damage \$ 560.01 Bodily Injury \$ _____
Date of Notice: 7/16/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/15/01 Place: 1053 Cascade Avenue, SW
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that its vehicle sustained damage when it was driven through a construction site in the roadway that was left open and in an unsafe condition. An investigation determined that a private contractor performed work at the incident location. The claimant has been advised of this and its claim has been forwarded to the company for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

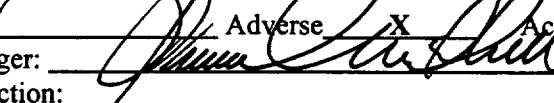
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 183501
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

RE: CLAIM FOR DAMAGES

JUL 16 2001

Today's Date: 7-11-2001

MUNICIPAL CLERK

ENTERED - 7-23-01 - SB
01L0467 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 560.01 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: June 15, FRIDAY 2. Time of Incident: 10:30 AM 3. Police called: X
(month/day/year) 2001 1053 Cascade Rd. Yes No
4. Location of incident (including street address): CASCADE Road at Johnny A. White Park
5. Name of your insurance company: Merrill McKenzie Inc. Policy No. 51434603
6. State what and how incident occurred: Driver was forced into the center lane into a
hole that was under construction - NO flag men, NO signs AT the
CONSTRUCTION AREA.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: International 4700 2001 18787 JN Kevin Jones
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: ROBERT DAVIS 5330 Dividen Drive Decatur, GA 770-981-2800
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

CHARLOTT L. TAYLOR FOR Blue Ridge
(Print Claimant's Name) MVN. WATER

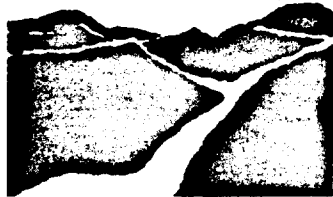
2255 Button Guinnett Drive St. 150
(Address)

Atlanta, GA. 30340
(City, State and Zip Code)

770-451-5181

(Work Number)

(Home Number)



Blue Ridge
Mountain WatersTM

*Premium Bottled Water
Delivered Fresh
From The Mountains To You.*

Please see listed below additional information concerning this claim:

Additional witness:

Kevin James 404-663-1858 with B & P Plumbing

Ballard Development 770-907-1931 drainage and site work City of Atlanta
Certified

John McDowell of McDowell's Cleaners on cascade road

In addition to our Blue Ridge Mountain Water truck there were already other
trucks that were pulled over for the same damage.

Budweiser truck, Grady Memorial Ambulance

Please see a copy of the Ryder bill for repair to the damage done to the vehicle.

Thank you for your expediting this matter,

Charlotte L. Taylor

Projects Administrator

Ctaylor@blueridgemountainwater.com

770-451-5181 ext. 51